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	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
APPLICATION NO.	<u></u>	Nobuyuki Itoh	201130.408D1	9697	
10/060,765	01/29/2002		EXAM	IINER	
22304	590 01/31/2005 GHT TREMAINE, LLP	LP	LI, RUIXIANG		
2600 CENTURY SQUARE			ART UNIT	PAPER NUMBER	
1501 FOURTH SEATTLE, W	I AVENUE A 98101-1688		1646		
			DATE MAILED: 01/31/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	
	10/060,765	ITOH ET AL.	
Office Action Summary	Examiner	Art Unit	
	Ruixiano Li	1646	
The MAILING DATE of this communication	appears on the cover sheet	with the correspondence address	
A SHORTENED STATUTORY PERIOD FOR RE THE MAILING DATE OF THIS COMMUNICATIO - Extensions of time may be available under the provisions of 37 CFI after SIX (6) MONTHS from the mailing date of this communication - If the period for reply specified above is less than thirty (30) days, a - If NO period for reply is specified above, the maximum statutory pe - Failure to reply within the set or extended period for reply will, by st Any reply received by the Office later than three months after the m earned patent term adjustment. See 37 CFR 1.704(b). Status 1) Responsive to communication(s) filed on 2	PLY IS SET TO EXPIRE 3 N. R. 1.136(a). In no event, however, may reply within the statutory minimum of the ricd will apply and will expire SIX (6) Matute, cause the application to become hailing date of this communication, even as a November 2004. This action is non-final. Dowance except for formal mature of the results of the result	MONTH(S) FROM a reply be timely filed hirty (30) days will be considered timely. DNTHS from the mailing date of this communication ABANDONED (35 U.S.C. § 133). If timely filed, may reduce any atters, prosecution as to the merits i	
4a) Of the above claim(s) is/are with 5) ☐ Claim(s) is/are allowed. 6) ☑ Claim(s) <u>15-18</u> is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction at a subject to by the Example at a subject to request that any objection to a subject to request that any objection to subject to request that any object to restrict the subject to restrict the subjec	andrawn from consideration. and/or election requirement. aminer. accepted or b) objected on the drawing(s) be held in about the drawing of	to by the Examiner. Syance. See 37 CFR 1.85(a). Ving(s) is objected to. See 37 CFR 1.12	1(d).
11)☐ The oath or declaration is objected to by t	he Examiner. Note the attac	thed Office Action or form PTO-152.	•
Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for for a) All b) Some * c) None of: 1. Certified copies of the priority docu 2. Certified copies of the priority docu 3. Copies of the certified copies of the application from the International E * See the attached detailed Office action for	iments have been received iments have been received e priority documents have bureau (PCT Rule 17.2(a)).	in Application No een received in this National Stage	
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-93) Information Disclosure Statement(s) (PTO-1449 or PTO Paper No(s)/Mail Date	948) Pape /SB/08) 5) Notic	view Summary (PTO-413) r No(s)/Mail Date te of Informal Patent Application (PTO-152) r:	

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DETAILED ACTION

Status of Application, Amendments, and/or Claims

The amendment received on November 29, 2004 has been entered in full.

Claims 1-14 and 19-59 have been canceled. Claims 15-18 are pending and under

consideration. Applicants' amendment to the specification to insert sequence identifiers

for the amino acid sequences at page 10 and 18 is also noted.

The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office Action.

Withdrawn Objections and/or Rejections

The objection to the Disclosure and Abstract has been withdrawn in view of the

amended specification and Abstract.

Applicants' cancellation of claims 12-14 and 22 has made the rejections of claims

under 35 U.S.C. 112, first paragraph and 35 U.S.C. 102(e) moot.

The rejection of claims 15 and 16 under 35 U.S.C. 112, first paragraph, as set

forth at pages 4-11 of the prvious office action (Paper No. 05172004, 05/25/2004), has

been withdrawn in view of Applicants' argument.

Claim Rejections Under 35 USC § 102 (e)

Claims 15-18 are rejected under 35 U.S.C. 102(e) as being anticipated by

Agarwal et al. (US20010012628A1, Publication Date: August 9, 2001; earliest priority

date: November 5, 1999).

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Agarwal et al. teach an FGF-19a polypeptide (SEQ ID NO: 2) consisting of 209 amino acids, which differs from SEQ ID NO: 4 of the present invention by a single amino acid residue at position 174. Agarwal et al. also teach epitope-bearing fragments of the FGF-19a polypeptide, which can be used to generate antibodies ([0067]). Agarwal et al. further teach fragments of the polypeptide having at least 30, 50, or 100 contiguous amino acid. Some of the fragments would comprise SEQ ID NO: 7 or SEQ ID NO: 8. Thus, the reference of Agarwal et al. meets the limitations of claims 15-18.

It appears that the polypeptides of SEQ ID NO: 7 and 8, as well as the full-length polypeptide of SEQ ID NO: 4 are free of the prior art.

Conclusion

No claims are allowed.

Advisory Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruixiang Li whose telephone number is (571) 272-0875. The examiner can normally be reached on Monday through Friday from 8:30 am to 5:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brenda Brumback, can be reached on (571) 272-0961. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, please contact the Electronic Business Center (EBC) at the toll-free phone number 866-217-9197.

Ruixiang Li, Ph.D.

Examiner

January 28, 2005